


B1040 (FORM 1040) (12/15)

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		<b>ADVERSARY PROCEEDING NUMBER</b> (Court Use Only)
<b>PLAINTIFFS</b> RABO AGRIFINANCE LLC	<b>DEFENDANTS</b> See attached	
<b>ATTORNEYS</b> (Firm Name, Address, and Telephone No.) Michael R. Johnson, Esq. (Pro Hac Vice) Ray Quinney & Nebeker P.C. 36 South State Street, #1400, Salt Lake City UT 84111 801-532-1500 and Thomas C. Riney and W. Heath Hendricks Underwood Law Firm, P.C., 500 So. Taylor, #1200, LB 233, Amarillo, TX 79101	<b>ATTORNEYS</b> (If Known)	
<b>PARTY</b> (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	<b>PARTY</b> (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
<b>CAUSE OF ACTION</b> (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Declaratory Judgment regarding claims made with the United States Department of Agriculture under 7 U.S.C. Section 217b.		
<b>NATURE OF SUIT</b> (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
<b>FRBP 7001(1) – Recovery of Money/Property</b> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other  <b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property  <b>FRBP 7001(3) – Approval of Sale of Property</b> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)  <b>FRBP 7001(4) – Objection/Revocation of Discharge</b> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)  <b>FRBP 7001(5) – Revocation of Confirmation</b> <input type="checkbox"/> 51-Revocation of confirmation  <b>FRBP 7001(6) – Dischargeability</b> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny  (continued next column)	<b>FRBP 7001(6) – Dischargeability (continued)</b> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other  <b>FRBP 7001(7) – Injunctive Relief</b> <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other  <b>FRBP 7001(8) Subordination of Claim or Interest</b> <input type="checkbox"/> 81-Subordination of claim or interest  <b>FRBP 7001(9) Declaratory Judgment</b> <input checked="" type="checkbox"/> 91-Declaratory judgment  <b>FRBP 7001(10) Determination of Removed Action</b> <input type="checkbox"/> 01-Determination of removed claim or cause  <b>Other</b> <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et. seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23	
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$ N/A	
Other Relief Sought		

**B1040 (FORM 1040) (12/15)**

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR McClain Feed Yard, Inc., McClain Farms, Inc. and 7M Cattle Feeders, Inc.		BANKRUPTCY CASE NO. Jointly Administered under 23-20084-rlj
DISTRICT IN WHICH CASE IS PENDING Northern District of Texas	DIVISION OFFICE Amarillo	NAME OF JUDGE Robert L. Jones
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) 		
DATE November 30, 2023	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Michael R. Johnson	

**INSTRUCTIONS**

The filing of a bankruptcy case creates an “estate” under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor’s discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court’s Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff’s attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

**Plaintiffs and Defendants.** Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

**Attorneys.** Give the names and addresses of the attorneys, if known.

**Party.** Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

**Demand.** Enter the dollar amount being demanded in the complaint.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

**DEFENDANTS:**

ACEY LIVESTOCK, LLC;  
MICHAEL ACEY;  
STAN E. AYERS, JR.;  
ARNOLD BRAUN TRUST;  
ARNOLD BRAUN;  
ROBERT BRAUN;  
BAR D RANCH LAND & CATTLE LLC;  
N. TERRY DICKS;  
BARRETT'S LIVESTOCK INC.;  
DON RALPH BARRETT;  
BELLA ELEGANCE LLC;  
BIG SEVEN CAPITAL PARTNERS, LLC;  
DORA BLACKMAN;  
BRYAN BLACKMAN;  
EDDIE BRYANT;  
BRENT BURNETT;  
JOE BURNETT;  
TERRY BURNETT;  
BUSS FAMILY TRUST;  
EDWIN D. BUSS;  
DENNIS BUSS;  
C HEART RANCH, LLC;  
COLETTE LESH;  
CARRAWAY CATTLE, LLC;  
RICHARD CARRAWAY;  
CURTIS JONES FARMS;  
DAC83 LLC;  
ERIC DeJARNATT;  
DON JONES FARM, INC.;  
DON JONES TRUCKING, INC.;  
DUFURRENA CUTTING HORSES;  
EDWARD LEWIS DUFURRENA;  
RIETA MAY DUFURRENA;  
ROBERT ELLIS;  
MICHAEL EVANS;  
DOUG FINLEY;  
GARWOOD CATTLE CO.;  
JUSTIN GARWOOD;  
GENE BROOKSHIRE FAMILY, LP;  
JOEL BROOKSHIRE;  
GRAY BROTHERS CATTLE;

ROBERT GRAY;  
RONNIE GRAY;  
JIMMY GREER;  
GUNGOLL CATTLE, LLC;  
BRADLEY GUNGOLL;  
LEAH GUNGOLL;  
JACE HARROLD;  
HINES CATTLE COMPANY, LLC;  
HINES FARMS, LLC;  
A.J. JACQUES LIVING TRUST;  
CORY JESKO;  
DWIGHT JESKO;  
JOANN & KEITH BROOKS d/b/a  
BROOKS FARMS;  
LARRY KEITH;  
DUSTIN JOHNSON;  
DAVID JOHNSON;  
KINSEY JONES;  
KINGDOM TRUST;  
JAMES MCCUAN;  
KEITH HARRIS;  
JANICE LAWHON;  
JAN LESH;  
MORRISON CAFÉ, LLC;  
LESH FAMILY TRUST;  
GARY LESH;  
JARED LESH;  
JORDAN LESH, LLC;  
LFC CATTLE;  
CHARLES LOCKWOOD;  
COLE LOCKWOOD;  
SHERLE LOCKWOOD;  
NIKKI LOCKWOOD;  
MAP ENTERPRISES;  
MIKE GOURLEY;  
NATALIE MARTUS;  
JEAN NIX;  
OPEN A ARENA LLC;  
BARRY PHILLIPS;  
DREW PHILLIPS;  
PRIEST CATTLE COMPANY LTD;  
PRIEST VICTORY INVESTMENT LLC;  
CHRISTOPHER PRINCE;

PRODUCERS LIVESTOCK COMMISSION;  
SONNY BARTHOLD;  
DAVID RAINEY;  
RAPP RANCH;  
MARK J. REISZ;  
RALPH REISZ;  
RIDGEFIELD CAPITAL ASSET MANAGEMENT;  
JIM GIORDANO;  
RILEY LIVESTOCK, INC.;  
ANGIE ROBINSON;  
RICK RODGERS;  
STEVE RYAN;  
JIM RININGER;  
SCARLET & BLACK CATTLE, LLC;  
COLTON LONG;  
SCOTT LIVESTOCK COMPANY;  
SHAW & SHAW FARMS PARTNERSHIP LLC;  
THE UNIVERSITY OF FLORIDA;  
ROBERT J. SPRING;  
STARNES CATTLE;  
JEFF STARNES;  
EDDIE STEWART;  
ROBERT STEWART;  
RACHEL STEWART;  
SCOTT E. STEWART;  
STEVE T SCOTT FARMS, INC.;  
JUSTIN STUEVER;  
PHILLIP SULLIVAN;  
AMY SUTTON;  
CRAIG SUTTON;  
TGF RANCH LLC;  
TOM FRITH;  
THORLAKSON DIAMOND T FEEDERS, L.P.;  
JOHN TIDWELL;  
MYKEL TIDWELL;  
TINDAL TRUCK SALES;  
JOHN TINDAL;  
JANET VANBUSKIRK;  
LYNDAL VANBUSKIRK;  
SUSAN VAN BUSKIRK;  
COLBY VANBUSKIRK;  
CAMERON WEDDINGTON;  
NANCY WEDDINGTON;

WILLIAM WEDDINGTON;  
WILDFOREST CATTLE COMPANY LLC;  
WILEY ROBY RUSSELL, JR. as TRUSTEE OF THE W. ROBBIE RUSSELL LIVING  
TRUST;  
WJ PERFORMANCE HORSES, INC.;  
JOB WHITE;  
KENT RIES, in his capacity as CHAPTER 7 TRUSTEE OF THE DEBTORS'  
CONSOLIDATED BANKRUPTCY ESTATE; and